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FILED

SEP 26 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOSE ALBERTO CENTURION-CRUZ,)
)
Defendant.)

No. CR 12-mj-70951 HRL

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
PRELIMINARY HEARING AND
EXCLUDING TIME FROM SPEEDY
TRIAL ACT CALCULATION

The Parties, Jose Alberto Centurion-Cruz, and the United States, acting through
respective counsel, hereby stipulate as follows:

1. The defendant is presently charged by criminal complain for a violation of 18 U.S.C. § 2252(a)(4)(B), Possession of Child Pornography.
2. Currently, the preliminary hearing is set for October 4, 2012, at 1:30p.m., before Magistrate Howard R. Lloyd.
3. The United States has provided discovery materials to defense counsel, who requires additional time to review those materials, meet with the defendant to discuss them, and determine how to proceed.
4. The parties jointly request, subject to the Court's approval, that the hearing currently set

1 for October 4, 2012 at 1:30p.m. be vacated, and that the hearing be re-set for October 25, 2012 at
2 1:30p.m.

3 5. Defendant Jose Alberto Centurion-Cruz consents to an extension of time for the
4 preliminary hearing date under Federal Rule of Criminal Procedure 5.1(c) and (d) and the
5 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 4, 2012, to
6 October 25, 2012.

7
8 STIPULATED:

9
10 DATED: September 25, 2012

MELINDA HAAG
United States Attorney

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12 /s/
ANN MARIE URSINI
13 Special Assistant United States Attorney

14
15 /s/
VARELL FULLER
16 Attorney for Defendant

~~PROPOSED~~ ORDER

Based upon the stipulation of the parties, the Court finds and holds as follows:

1. The defendant is presently charged by criminal complaint for a violation of 18 U.S.C. § 2252(a)(4)(B).

2. With the defendant's consent, the twenty-one day time limit for a preliminary hearing or indictment under F.R.Crim.P. 5.1(C) I extended, and time is excluded from calculation of the thirty-day time limit for information or indictment under 18 U.S.C. § 3161(b). The United States has provided materials to defense counsel and counsel needs additional time to review those materials, meet with the defendant and determine how to proceed. Accordingly, the extension and exclusion are required for effective preparation fo defense counsel.

3. There is good cause for the extension under F.R.Crim.P. 5.1, and the exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this continuance outweigh the best interests of the public and of the defendant in a speedy trial and the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court further finds that failure to grant the continuance would deny counsel for all parties reasonable time necessary for effective preparation taking into account the exercise of due diligence under 18 U.S.C. § 3161(h)(8)(B)(iv).

4. Accordingly, and with the consent of the defendant, the Court sets a date and orders that the period from October 4, 2012 to October 25, 2012 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO ORDERED.

DATED:

9/26/12



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE